

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

CALVIN ROUSE,

Plaintiff,

v.

DOUG WADDINGTON *et al.*,

Defendants.

Case No. C06-5183RJB/JKA

ORDER DENYING PLAINTIFF'S
MOTION TO COMPEL
WITHOUT PREJUDICE AND
DIRECTING COUNSEL TO
CONTACT PLAINTIFF
TELEPHONICALLY
REGARDING THIS DISCOVERY
DISPUTE

This Civil Rights action has been referred to the undersigned Magistrate Judge pursuant to Title 28 U.S.C. § 636(b)(1)(B). Before the court is plaintiff's motion to compel answers to interrogatories and requests for production.

The record reflects that plaintiff sent a letter to defense counsel telling him there was a discovery dispute. The letter provides no details. The letter was received only two days before plaintiff filed this motion to compel (Dkt. # 67, exhibit 1 with attached letter).

Local Rule 37 requires a good faith effort to confer. While the court does not require a face to face meeting for pro se plaintiffs who are incarcerated, the court does require more of an effort to resolve the

1 parties' differences than has occurred in this case.

2 The court will not consider the motion to compel at this time and the motion is **DENIED**
3 **WITHOUT PREJUDICE.**

4 It is undoubtedly difficult for plaintiff to telephonically contact counsel. Counsel representing the
5 defendants in this action is directed to make arraignments through Mc Neil Island Corrections Center to
6 speak to plaintiff on an unmonitored telephone within fourteen days of this order being filed. If the parties
7 are not able to resolve this discovery dispute plaintiff may renew his motion.

8 The Clerk is directed to send plaintiff and counsel for defendants a copy of this Order.

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10 DATED this 13 day of February 2008.

11 /S/ J. Kelley Arnold
12 J. Kelley Arnold
13 United States Magistrate Judge
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